



MEMORANDUM

Clarke Caton Hintz

Architecture
Planning
Landscape Architecture

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To: Asbury Park Zoning Board of Adjustment

From: Michael Sullivan, ASLA, AICP
Donna Miller, AICP, PP, CFM

Re: **Christin A. Joyner**
Design Exception
412 Second Avenue
Block 3302, Lot 3
R1 Single Family Residential District

Date: June 8, 2022

1.0 Project Summary & Site Description

1.1 Project Summary: The applicant proposes to alter an existing second floor bay on the front façade of the existing single-family dwelling to create a balcony. A design exception is required from §30-64.3 to permit the replacement of an existing architectural feature. The applicant has removed the decorative bay on the existing building's second floor façade and intends to replace it with a balcony.

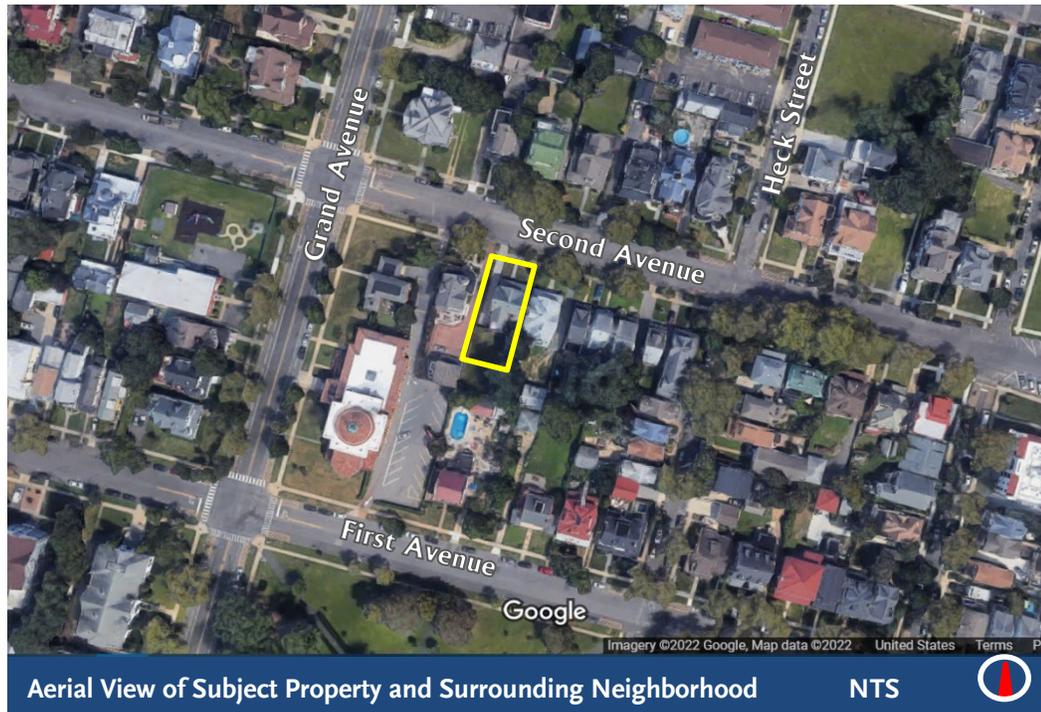
1.2 Property Description: The subject property is a 7,497 sf lot on the south side of Second Avenue between Grand Avenue and Heck Street that is developed with a two and half story single-family dwelling which dates to the early 1900s.

1.3 Neighborhood Context: Properties in the immediate vicinity are a mix of single-family detached and multi-family dwellings in turn-of-the century Victorian-style buildings, typical of the northeast quadrant of the City. All are zoned R1 Single Family Residential.



Front Building Elevation Prior to Renovation

John Hatch, FAIA
George Hibbs, AIA
Brian Slauch, AICP
Michael Sullivan, AICP
Michael Hanrahan, AIA
Mary Beth Lonergan, AICP



2.0 Zoning Compliance

- 2.1 **Use:** The existing and proposed use of the property as a single-family dwelling, is permitted in the R1 District.
- 2.2 **Existing Nonconformities:** The existing dwelling is nonconforming for minimum side yard setback and the lot is non-conforming for minimum lot width. The proposed renovations will not affect these conditions and no variances are required however, the applicant may seek to formalize the legality of these deficiencies by having these variances approved.
- 2.3 **Bulk Requirements:** The table below illustrates the existing and proposed conditions compared to the R-1 District requirements:



R1 Zone Bulk Standards (§30-67, Schedule 1)				
	Required	Existing	Proposed	Complies
Lot size	5,000 s.f.	7,497 s.f.	7,497 s.f.	No*
Min. Lot Width	50 ft.	49.98 ft.	49.98 ft.	No*
Min. Front Yard ¹	25 ft.	22 ft.	21 ft.	Yes
Min. Side Yard / Combined	6 ft. / 14 ft.	2 ft. / 15.75 ft.	2 ft. / 15.75 ft.	No*
Min. Rear Yard	25	75± ft.	75± ft.	Yes
Max. Building Coverage	30%	24.56%	24.56%	Yes
Max. Impervious Coverage	65%	32.35%	32.35%	Yes
Max. Height	30 ft. / 2 1/2 Stories	27.5±ft. / 2 1/2 stories	27.5±ft. / 2 1/2 stories	Yes

2.4 **Front Yard Setback:** Although the proposed second floor alteration will decrease the front yard setback by approximately one foot, the building aligns with other buildings on the south side of this block of Second Avenue and has a front yard setback of greater than 10 feet, allowing for a reduced front yard setback permitted under §30-68.2.g.



¹ Prevailing Front Yard Setback - when the prevailing setback of existing buildings along a block front is less than the setback required in § 30-67, the prevailing setback may be applied as the "front yard setback", provided that such setback shall not be less than 10 feet.



3.0 Building Design

3.1 Community Design Regulations: The purpose of the Community Design Regulations is to preserve and protect the character of residential neighborhoods in a manner that is consistent with their architectural history and complimentary to the original homes in these neighborhoods. Standards apply to both new construction and renovation or rehabilitation of existing dwellings. One of the key requirements under this section is the preservation of architectural features such as cornices, columns, windows, railings, doors and roof types that are present on existing buildings in the ‘R’ districts. These features shall not be removed unless replaced with same or construction that is in character with the building or the historic district in which it is located (§30-64.3). Front façade balconies are not uncommon in the architectural style and period of the existing building. Such balconies are typically discrete, integrated into the façade. 410 Second Avenue is a ‘sister’ to the building on the subject property



View of Balcony at 410 Second Avenue



View of Proposed Front Building Elevation

and has such a balcony. The design of the proposed balcony is not consistent with the architectural character of the existing building.

- a. The balcony is proposed to be centered under the gable end of the third floor above, in approximately the same place as the original bay, however the proposed balcony will be significantly larger; five feet deep by 21 feet wide. The original bay was 4 feet by 17 feet overall.
- b. Two square columns are proposed to support the center mass of the gable above, leaving the corners of the gable to appear



floating unsupported. The proposed columns do not match the round Tuscan columns on the porch directly below.

- c. The original porch roof used a simple taper away from the building wall that enveloped the base of the bay. The porch roof is now proposed to be a hip style that ties into the balcony parapet rather than the main building wall.

4.0 Relevant Land Use Policy

- 4.1 The City's 2017 *Master Plan Reexamination Report* restates, expands upon, and adds to goals and objectives stated in its 2006 Master Plan that are relevant to this application. The following provides policies aimed at maintaining and/or enhancing the character, aesthetics and function of the City's residential neighborhoods.

Planning Goals

5.1.2.1. *Protect and enhance the quality and enjoyment of the City's residential neighborhoods through policy and regulation that promotes quality of life and minimizes negative impacts from the City's tourism and other economic development activities.*

Land Use Objectives

5.2.1.18 *Maintain and enhance the character of single-family neighborhoods with regulations that support and reinforce these uses.*

Housing Objectives

5.5.1.1 *Protect and preserve established residential character through zoning enforcement, design guidelines, inspections of multi-family dwellings and rehabilitation, where necessary.*

Historic Preservation Objectives

5.7.1.3 *Explore incentives to encourage the maintenance and proper façade restoration of historically notable buildings. Discourage the subdivision of historic buildings.*

5.7.1.7 *Integrate historic preservation review criteria and data into the local planning and development review process.*

5.7.2.3 *Improve historic building design standards. Amend the Community Design Regulations to provide improved historic building design standards for all new construction and renovation in an identified historic district.*



5.0 Consideration of the Relief

5.1 While this office defers to the Board attorney in advising the Board on the application of relevant criteria, this report identifies the exception criteria for the purposes of establishing a framework for review.

5.2 **Exceptions:** The Board may grant deviations from site plan standards, often referred to as “design exceptions”. These criteria are distinguished from variances, as they are not deviations from requirements related to use or other zoning criteria, but rather from the ordinance requirements for site plans (and subdivisions). These deviations are generally evaluated pursuant to *N.J.S.A. 40:55D-51.b*, which states:

“The planning board when acting upon applications for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.”

This standard is similar to a ‘c(1)’ variance, except that the applicant is not required to demonstrate that there will be no substantial detriment to the public good or impairment of the intent and purpose of the zone plan (negative criteria). The applicant should identify, for each exception, the degree to which the requirements are impracticable/cause hardship and also what the peculiar site conditions are that prevent compliance.

6.0 Materials Reviewed

6.1 *Application for Variance* and supporting documentation, dated December 29, 2021.

6.2 *Variance Plan*, prepared by Michael Braithwaite, PE, Fluent Design Group, LLC, PC, dated November 22, 2021 and last revised April 11, 2022, consisting of three sheets.

7.0 Applicant / Owner / Professionals

7.1 **Applicant / Owner:** Christin A. Joyner, 412 Second Avenue, Asbury Park, NJ 07712. Email: cjjoyner@aol.com

7.2 **Attorney:** Dino Spadaccini, Esq., 98 Franklin Corner Road, Lawrenceville, NJ 08648. Telephone: 609-912-0100. Email: dino@spadlaw.com



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7.3 **Engineer:** Michael Braithwaite, PE, Fluent Design Group, LLC, 1095 Wood Lane, Langhorne, PA 19047. Telephone: 215-372-0333. Email: mbraithwaite@fluentdesign.net

8.0 **Summary**

The applicant's proposal involves the removal of an existing architectural feature resulting in a design exception from §30-64.3.

C. Irina Gasparyan, Board Secretary
Jack Serpico, Board Attorney
Jason Fichter, Board Engineer
Christin Joyner, Applicant
Dino Spadaccini, Esq., Applicant's Attorney
Michael Braithwaite, PE, Applicant's Engineer

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